



Marine Mammal Protection Act Section 120 Fact Sheet

The U.S. Congress created Section 120 of the [Marine Mammal Protection Act](#) (MMPA) in 1994. This provision was enacted to address an increasing conflict between abundant populations of certain seals and sea lions and at-risk populations of salmon and steelhead. The Section 120 process begins when a state applies to the Secretary of Commerce to authorize the intentional lethal taking of individually identifiable pinnipeds (seals and sea lions) that are having a significant negative impact on the decline or recovery of salmonids listed (or being considered for listing) under the Endangered Species Act.

Within 15 days of receiving an application, the Secretary of Commerce, acting through the NOAA Assistant Administrator for Fisheries, must determine whether the applicant has produced sufficient evidence to warrant establishing a Pinniped-Fishery Interaction Task Force. If the application provides that evidence, NOAA must publish a notice in the *Federal Register* requesting public comment on the application, and establish a task force.

A Pinniped-Fishery Interaction Task Force shall consist of (1) NOAA Fisheries Service/NOAA staff, (2) scientists knowledgeable about the pinniped interaction, (3) representatives of affected conservation and fishing community organizations, (4) treaty Indian tribes, (5) states, and (6) such other organizations as NOAA Fisheries deems appropriate. As much as possible, the task force should consist of a balance among representatives of resource users and non-users as listed above.

The task force reviews the application, other background information and public comments. Within 60 days after its establishment, the task force recommends to NOAA Fisheries Service whether to approve or deny the application. The task force is required to submit with its recommendation:

- a description of the specific pinniped individual or individuals
- the proposed location
- time
- method of such taking
- criteria for evaluating the success of the action
- the duration of the intentional taking authority
- a suggestion of non-lethal alternatives, if available and practicable, including a recommended course of action.

Within 30 days of receiving the task force recommendations, NOAA Fisheries Service must approve or deny the application and, if approved, immediately take steps to implement the intentional lethal taking. Intentional lethal taking is to be performed by federal or state agencies, or qualified individuals under contract to such agencies.

Section 120 of the MMPA has been applied for and granted just once since its enactment in 1994. The state of Washington requested and received lethal-removal authority for as many as five California sea lions to prevent the extinction of steelhead returning to Lake Washington, near Seattle. The state removed three of the worst offending animals from the wild and they were placed in captivity.